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7 **BEFORE THE**
8 **BOARD OF PSYCHOLOGY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation)	Case No. W-168
12 Against:)	OAH No. N2000050172
13 CANDACE CHORJEL, Ph.D.)	STIPULATED SETTLEMENT
14 277 Trade Winds Drive)	AND DISCIPLINARY ORDER
15 Boulder Creek, CA 95006)	
16 Psychologist's License)	
17 No. PSY 9662)	
18 Respondent.)	

19 **IT IS HEREBY STIPULATED AND AGREED** by and between Candace Chorjel,
20 Ph.D. (hereinafter "respondent") with the advice of her attorney, David M. Galie, Esq., of
21 FREEMAN & GALIE, and complainant Thomas O'Connor, in his official capacity as Executive
22 Officer of The Board of Psychology (hereinafter "Board"), Department of Consumer Affairs, by
23 and through his attorney, Bill Lockyer, Attorney General, by Brenda P. Reyes, Deputy Attorney
24 General, as follows:

25 1. The First Amended Accusation No. W-168 (hereinafter referred to as the
26 "Accusation") is presently pending before the Board. A copy of said Accusation is attached
27 hereto as Exhibit A and incorporated herein by reference.

1 2. The complainant in said Accusation, Thomas O'Connor, is the Executive
2 Officer of the Board and brought said Accusation solely in his official capacity.

3 3. Respondent's license history and status as set forth at Paragraph 2 of the
4 Accusation is true and correct and respondent's address of record as set forth above in the
5 caption of this Stipulated Settlement is true and correct.

6 4. Respondent has fully discussed with her attorney, David Galie, the charges
7 and allegations contained in the Accusation and therefore has been fully advised concerning her
8 legal rights and of the effects of this stipulation.

9 5. Respondent understands the nature of the charges alleged in the
10 Accusation and that, if proven at hearing, the charges and allegations would constitute cause for
11 imposing discipline upon her. Respondent is fully aware of each of her rights, including the right
12 to a hearing on the charges and allegations contained in the Accusation, the right to confront and
13 cross-examine witnesses who would testify against her, the right to testify and to present evidence
14 on her own behalf, as well as the right to the issuance of subpoenas to compel the attendance of
15 witnesses and the production of documents in both defense and mitigation of the charges, and any
16 and all other rights which are accorded respondent pursuant to the California Administrative
17 Procedure Act (Gov. Code, § 11500, et seq.) and other applicable laws, including the right to seek
18 reconsideration, review by the superior court, and appellate review. Respondent hereby freely
19 and voluntarily and after consulting with her attorney waives each and every one of the rights set
20 forth above.

21 6. This Stipulation is the result of a compromise between the Board and
22 respondent. For purposes of the settlement of the action pending against respondent and to avoid
23 a lengthy administrative hearing as well as the risks associated with such a trial, respondent
24 admits that, if proven, there is a factual and legal basis for the imposition of discipline by the
25 Board pursuant to the charges and allegations, which are substantially related to the
26 qualifications, functions and duties of a psychologist. Respondent, therefore, stipulates to the
27 jurisdiction of the Board to enter the following disciplinary order pursuant to Business and

1 Professions Code section 2960.

2 7. All admissions of fact and conclusions of law contained in this stipulation
3 are made exclusively for this proceeding and any future proceeding between the Board of
4 Psychology or other professional licensing agency and respondent, and shall not be deemed to be
5 admissions for any purpose in any other administrative, civil or criminal action, forum or
6 proceeding.

7 8. Based upon the above recitals, the parties hereby agree that the Board
8 shall, without further notice or formal proceeding, issue and enter the following order:

9 **DISCIPLINARY ORDER**

10 9. It is hereby ordered that License No. PSY 9662 issued to respondent
11 Candace Chorjel, Ph.D. is revoked. However, the revocation is stayed and respondent is placed
12 on probation for three (3) years subject to the following terms and conditions:

13 A. **Coursework**

14 Respondent shall take and successfully complete not less than eighteen (18) hours
15 of coursework during each year of probation in the following areas: Boundaries, Ethics,
16 and Supervision. In addition, respondent must take and pass an open-book examination
17 related to supervision within thirty (30) days of the effective date of this Decision.

18 Coursework must be preapproved by the Board or its designee. All coursework shall be
19 taken at the graduate level at an accredited educational institution or by an approved
20 continuing education provider. Classroom attendance is specifically required;
21 correspondence or home study coursework shall not count toward meeting this
22 requirement. The coursework must be in addition to any continuing education courses
23 that may be required for license renewal.

24 Within ninety (90) days of the effective date of this Decision, respondent shall
25 submit to the Board or its designee for its prior approval a plan for meeting the
26 educational requirements. All costs of the coursework shall be paid by the respondent.

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1 B. **Ethics Course**

2 Within ninety (90) days of the effective date of this Decision, respondent shall
3 submit to the Board or its designee for prior approval a course in laws and ethics as they
4 relate to the practice of psychology. Said course must be successfully completed at an
5 accredited educational institution or through a provider approved by the Board's
6 accreditation agency for continuing education credit. Said course must be taken and
7 completed within one year from the effective date of this Decision. The costs associated
8 with the law and ethics course shall be paid by the respondent.

9 C. **Billing Monitor**

10 Within 90 days of the effective date of this Decision, respondent shall submit to
11 the Board or its designee for prior approval, the name and qualifications of a psychologist
12 who has agreed to serve as a billing monitor. The monitor shall 1) be a California-
13 licensed psychologist with a clear and current license; 2) have no prior business,
14 professional, personal or other relationship with respondent; and 3) not be the same
15 person as respondent's therapist. The monitor's education and experience shall be in the
16 same field of practice as that of the respondent.

17 Once approved, the monitor shall submit to the Board or its designee a plan by
18 which respondent's practice shall be monitored. **Monitoring shall consist of at least**
19 **one (1) hour per month of individual face-to-face meetings and shall continue for a**
20 **twelve (12) month period.** The respondent shall provide the monitor with a copy of this
21 Decision and access to respondent's fiscal records. Respondent shall obtain any
22 necessary patient releases to enable the monitor to review records and to make direct
23 contact with patients. Respondent shall execute a release authorizing the monitor to
24 divulge any information that the Board may request. It shall be respondent's
25 responsibility to assure that the monitor submits written reports to the Board or its
26 designee on a quarterly basis verifying that the monitoring has taken place and providing
27 an evaluation of respondent's performance.

1 Respondent shall notify all current and potential patients of any term or condition
2 of probation which will affect their therapy or the confidentiality of their records (such as
3 this condition which requires a billing monitor). Such notifications shall be signed by
4 each patient prior to continuing or commencing treatment.

5 If the monitor quits or is otherwise no longer available, respondent shall obtain
6 approval from the Board of a new monitor within 30 days. If no new monitor is approved
7 within 30 days, respondent shall not practice until a new monitor has been approved by
8 the Board or its designee. During this period of non-practice, probation will be tolled and
9 any period of non-practice shall not apply to the reduction of this probationary period.
10 Respondent shall pay all costs associated with this monitoring requirement. Failure to
11 pay these costs shall be considered a violation of probation.

12 D. Investigation/Enforcement Cost Recovery

13 Respondent shall pay to the Board its costs of investigation and enforcement in
14 the amount of six thousand three hundred and ninety-five dollars (\$6,395.00) within the
15 first eighteen (18) months of probation. Such costs shall be payable to the Board of
16 Psychology. Failure to pay such costs shall be considered a violation of probation.

17 The filing of bankruptcy by respondent shall not relieve respondent of the
18 responsibility to repay investigation and enforcement costs.

19 E. Probation Costs

20 Respondent shall pay the costs associated with probation monitoring each and
21 every year of probation. Such costs shall be payable to the Board of Psychology at the end
22 of each fiscal year (July 1 - June 30). Failure to pay such costs shall be considered a
23 violation of probation.

24 The filing of bankruptcy by respondent shall not relieve respondent of the
25 responsibility to repay probation monitoring costs.

26 F. Obey All Laws

27 Respondent shall obey all federal, state, and local laws and all regulations

1 governing the practice of psychology in California, including the ethical guidelines of the
2 American Psychological Association. A full and detailed account of any and all
3 violations of law shall be reported by respondent to the Board or its designee in writing
4 within seventy-two (72) hours of their occurrence.

5 G. **Quarterly Reports**

6 Respondent shall submit quarterly declarations under penalty of perjury on forms
7 provided by the Board or its designee, stating whether there has been compliance with all
8 the conditions of probation.

9 H. **Probation Compliance**

10 Respondent shall comply with the Board's probation program and shall, upon
11 reasonable notice, report to the assigned District Office of the Medical Board of
12 California or other designated probation monitor. Respondent shall contact the assigned
13 probation officer regarding any questions specific to the probation order. Respondent
14 shall not have any unsolicited or unapproved contact with 1) complainants associated
15 with the case; 2) Board members or members of its staff; or 3) persons serving the Board
16 as expert evaluators.

17 I. **Interview with Board or Its Designee**

18 Respondent shall appear in person for interviews with the Board or its designee
19 upon request at various intervals and with reasonable notice.

20 J. **Changes of Employment**

21 Respondent shall notify the Board in writing, through the assigned probation
22 officer, of any and all changes of employment, location, and address within thirty (30)
23 days of any such change.

24 K. **Tolling for Out-of-State Practice,
25 Residence or In-State Non-Practice**

26 In the event respondent should leave the State of California to reside or to practice
27 outside the State or for any reason should respondent stop practicing psychology in the
State of California, respondent shall notify the Board or its designee in writing within ten

1 (10) days of the date of departure and return or the date of non-practice within California.
2 Non-practice is defined as any period of time exceeding thirty (30) days in which
3 respondent is not engaging in any activities defined in Sections 2902 and 2903 of the
4 Business and Professions Code. Periods of temporary or permanent residency or practice
5 outside California or of non-practice within California will not apply to the reduction of
6 this probationary period, although the Board may allow respondent to complete certain
7 terms of probation that are not associated with active practice.

8 **L. Employment and Supervision of Trainees**

9 If respondent is licensed as a psychologist, she shall not employ or supervise or
10 apply to employ or supervise psychological assistants, interns or trainees during the
11 course of this probation. Any such supervisorial relationship in existence on the effective
12 date of this probation shall be terminated by respondent and/or the Board.

13 **M. Violation of Probation**

14 If respondent violates probation in any respect, the Board may, after giving
15 respondent notice and the opportunity to be heard, revoke probation and carry out the
16 disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is
17 filed against respondent during probation, the Board shall have continuing jurisdiction
18 until the matter is final, and the period of probation shall be extended until the matter is
19 final. No Petition for Modification or Termination of Probation shall be considered while
20 there is an Accusation or Petition to Revoke Probation pending against respondent.

21 **N. Completion of Probation**

22 Upon successful completion of probation, respondent's license shall be fully
23 restored.

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CONTINGENCY

This stipulation shall be subject to the approval of the Board. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by respondent or her counsel. If the Board fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

ACCEPTANCE

I have read the above Stipulated Settlement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained therein with my attorney, David Galie, Esq. I understand the effect that this Stipulated Settlement and Disciplinary Order will have on my psychology license, and agree to be bound thereby. I enter this stipulation freely, knowingly, intelligently and voluntarily. I agree that a facsimile copy of my signature on this document shall be binding upon me as if it were the original.

DATED: 7/5/00

Candace Chorjel, Ph.D.
CANDACE CHORJEL, Ph.D.
Respondent

I have read the above Stipulated Settlement and Disciplinary Order and approve of it as to form and content. I have fully discussed the terms and conditions and other matters therein with respondent Candace Chorjel, Ph.D. I agree that a facsimile copy of my signature on this document shall be binding upon me as if it were the original.

DATED: 7-5-2000

David Galie
DAVID GALIE, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for the consideration of the Board of Psychology, Department of Consumer Affairs, State of California.

DATED: July 6, 2000

BILL LOCKYER, Attorney General
of the State of California

Brenda P. Reyes

BRENDA P. REYES
Deputy Attorney General

Attorneys for Complainant

1 **DECISION AND ORDER**
2 **OF THE**
3 **BOARD OF PSYCHOLOGY**
4 **DEPARTMENT OF CONSUMER AFFAIRS, STATE OF CALIFORNIA**

5 The foregoing Stipulation for Settlement and Order, Case No. W-168, is hereby
6 adopted as the Order of the Board of Psychology, Department of Consumer Affairs, State of
7 California.

8 An effective date of August 20, 2000, has been assigned to
9 this Decision and Order.

10 Made this 21st day of July, 2000.

11 MR. Greenberg
12 _____
13 CHAIRPERSON,
14 BOARD OF PSYCHOLOGY
15 DEPARTMENT OF CONSUMER AFFAIRS
16 STATE OF CALIFORNIA

17 Exhibit: Accusation
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EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 BRENDA P. REYES, State Bar No. 129718
Deputy Attorneys General
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6 Attorneys for Complainant

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8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation) Case No. W-168
12 Against:)
13 CANDACE CHORJEL, Ph.D.) **FIRST AMENDED ACCUSATION**
277 Trade Winds Drive)
14 Boulder Creek, CA 95006)
License No. PSY 9662)
15 Respondent.)
16)
17)

18 THOMAS S. O'CONNOR, complainant herein, charges and
19 alleges as follows:

20 1. He is the Executive Officer of the Board of
21 Psychology, State of California (hereinafter referred to as the
22 "Board"), and makes these charges and allegations solely in his
23 official capacity.

24 **LICENSE HISTORY**

25 2. On or about August 8, 1986, respondent, Candace
26 Chorjel, Ph.D. (hereinafter referred to as "respondent"), was
27 issued License No. PSY 9662 by the Board of Psychology,

1 authorizing her to practice psychology in the State of
2 California. The license is currently in good standing and is
3 renewed to September 30, 2001. The Board has taken no prior
4 disciplinary action against this license.

5 3. On or about September 18, 1986, David Leon
6 Chorjel, respondent's spouse, was issued registration No. PSB
7 12618, authorizing him to practice as a psychological assistant
8 under the supervision of respondent. The registration is
9 currently valid and is renewed to January 31, 2000.

10 4. The incidents alleged herein occurred while
11 respondent was registered as a psychologist practicing in the
12 State of California. The incidents described herein took place
13 while respondent was David Chorjel's supervisor, during which
14 time she attested that she met with David Chorjel once per week
15 for use supervision.

16 STATUTES AND REGULATIONS

17 5. Section 2960 of the Business and Professions
18 Code^{1/} states, in pertinent part, that the Board may suspend,
19 revoke or impose probationary conditions on a licensee for
20 unprofessional conduct, which is defined to include, but not be
21 limited to, any of the following causes:

22 (c) Fraudulently or neglectfully misrepresenting
23 the type or status of license or registration actually held;

24

25 (j) Being grossly negligent in the practice of
26

27 1. All statutory references are to the Business and
Professions Code unless otherwise indicated.

1 her profession;

2 (k) Violating any of the provisions of this
3 chapter or regulations duly adopted thereunder; and

4

5 (n) The commission of any dishonest, corrupt or
6 fraudulent act.

7 6. Section 1380.6 of Title 16 of the California Code
8 of Regulations provides, in pertinent part, that every licensed
9 psychologist shall include her number in any advertising or
10 solicitation, regardless of whether such a presentment is made
11 under the licensee's own name, a fictitious business or group
12 name or corporate name.

13 7. Section 1391.6 of Title 16 of the California Code
14 of Regulations provides that every supervisor of a psychological
15 assistant shall be responsible for the limited psychological
16 functions performed by a psychological assistant; ensuring that
17 the extent, kind and quality of the functions performed by the
18 assistant are consistent with his training and experience; and
19 ensuring that the assistant complies with the provisions of the
20 code and the Board's regulations. Further, the supervisor shall
21 inform each client or patient in writing prior to the rendering
22 of services by the psychological assistant that the assistant is
23 unlicensed and is under the direction and supervision of the
24 supervisor as an employee.

25 8. Section 125.3 provides, in pertinent part, that in
26 any order issued in resolution of a disciplinary proceeding
27 before any board within the Department of Consumer Affairs, the

board may request the administrative law judge to direct a
licentiate found to have committed any violation of the licensing
act to pay a sum not to exceed the reasonable costs of the
investigation and enforcement of the case.

9. Section 2964.6 provides that, "[a]n administrative
disciplinary decision that imposes terms of probation may
include, among other things, a requirement that the licensee who
is being placed on probation pay the monetary costs associated
with monitoring the probation."

FIRST CAUSE FOR DISCIPLINARY ACTION

10. From on or about August 1, 1996, through June 3,
1998, David Chorjel undertook to provide therapy to patient, J.
M.^{2/} David Chorjel diagnosed J. M. as suffering from 1)
Adjustment Disorder with Mixed Anxiety and Depressed Mood
(Chronic), and 2) Borderline Personality Disorder with Mixed
Narcissistic, Histrionic, and Dependent Traits.

11. David Chorjel's records regarding J.M. reflect
that suicidal ideation was episodic throughout the course of J.
M.'s treatment. J. M.'s judgment and ability to make sound or
reasoned choices was very poor. J. M. chronically felt
suspicious of others, and she felt victimized by others and/or by
circumstances. Most of the significant relationships in J. M.'s
life could be characterized as hostile-dependent.

12. In or about September 1997, David Chorjel loaned
J. M. \$675.00 to use as a security deposit on an apartment.

2. The name of the patient will be disclosed to
respondent pursuant to any request for discovery.

1 Respondent was aware and approved of the loan. At or about that
2 same time, David Chorjel, with two individuals not known to J.
3 M., visited J. M. in her new home. J. M. invited David Chorjel
4 to her home, but she did not invite the two unknown individuals.

5 13. On June 3, 1998, shortly after J. M. had moved to
6 a different apartment, David Chorjel agreed to visit J.M. at her
7 new home in order to help assemble a towel rack. He arrived
8 alone at approximately 9:00 p.m. and stayed for approximately one
9 to one-and-a-half hours. Respondent was aware and approved of
10 David Chorjel's visit to J.M.'s home.

11 14. While visiting J.M. at her apartment on
12 June 3, 1998, David Chorjel made sexual contact with J.M. in that
13 he touched, kissed and sucked J.M.'s breast.

14 15. After J.M. had attended several sessions with
15 David Chorjel, he began greeting J.M. in the waiting room with a
16 hug and kiss on the cheek. David Chorjel tried, unsuccessfully,
17 on several occasions to kiss J.M. on the lips. On these
18 occasions, J.M. would turn her head in order to avoid a kiss on
19 the lips. Respondent was aware of David Chorjel's practice of
20 greeting patients with a hug and a kiss.

21 16. Respondent's conduct in permitting David Chorjel
22 to engage in inappropriate multiple role relationships with J.M.,
23 as alleged in paragraphs 12, 13, and 14, and 15 above,
24 constitutes unprofessional conduct under Business and Professions
25 Code section 2960, subdivision (j) (gross negligence); and/or a
26 violation of section 1391.6 of Title 16 of the California Code of
27 Regulations, through section 2960, subdivision (k), and therefore

cause exists for discipline under section 2960.

SECOND CAUSE FOR DISCIPLINARY ACTION

17. Complainant realleges and incorporates by reference paragraphs 10 through 15 of this First Amended Accusation.

18. At no time during David Chorjel's treatment of J. M., did respondent advise J. M. that David Chorjel was a psychological assistant under respondent's supervision.

19. At or about the time J. M. began therapy with David Chorjel, he gave J. M. a business card for his practice. The business card does not identify respondent as a psychologist or as the supervisor of David Chorjel, nor does the card list respondent's license number.

20. Respondent's conduct in failing to advise J. M. that David Chorjel was a psychological assistant under her supervision, and in failing to include her license number on her business card, as alleged in paragraphs 18 and 19 above, constitutes unprofessional conduct under Business and Professions Code section 2960, subdivision (c) (fraudulent or neglectful misrepresentation of license or registration actually held); and/or unprofessional conduct under section 2960, subdivision (n) (dishonest, corrupt or fraudulent act); and/or a violation of section 1380.6 and/or section 1391.6 of the California Code of Regulations, through section 2960, subdivision (k), and therefore cause exists for discipline under section 2960.

THIRD CAUSE FOR DISCIPLINARY ACTION

21. Complainant realleges and incorporates by

1 reference paragraphs 10 through 15, and 18 and 19 of this First
2 Amended Accusation.

3 22. Throughout the time that David Chorjel treated J.
4 M., respondent billed J. M.'s insurance company for services
5 provided in her name, rather than in the name of David Chorjel.

6 23. Respondent's conduct as alleged in paragraph 22
7 above constitutes unprofessional conduct under Business and
8 Professions Code section 2960, subdivision (n) (dishonest,
9 corrupt or fraudulent act), and therefore cause exists for
10 discipline under section 2960.

11 PRAYER


12 WHEREFORE, the complainant requests that the Board of
13 Psychology hold a hearing on the matters alleged herein and that
14 following said hearing, issue an order:

15 1. Suspending or revoking Psychology License No. PSY
16 9662, heretofore issued to Candace Chorjel, Ph.D.;

17 2. Ordering respondent to pay the Board the actual
18 and reasonable costs of the investigation and enforcement of this
19 case; and, if respondent is placed on probation, the costs of
20 probation monitoring; and,

21 3. Taking such other and further action as the Board
22 deems necessary and proper.

23 DATED: October 14, 1999

24 
25 THOMAS S. O'CONNOR
26 Executive Officer
27 Board of Psychology

Complainant